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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,445	11/28/2003	Ed Haas	K8000280US	7380
34236	7590	06/29/2005	EXAMINER	
VALENTINE A. COTTRILL SUITE 1020 50 QUEEN STREET NORTH KITCHENER, ON N2H6M2 CANADA			REHM, ADAM C	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/722,445	<b>Applicant(s)</b> HAAS, ED	
	<b>Examiner</b> Adam C. Rehm	<b>Art Unit</b> 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/15/2004</u> | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Drawings***

The drawings were received on April 22, 2004. These drawings (of Fig. 2) are approved.

### ***Claim Objections***

1. Claim 27 is objected to because of the following informalities: the phrase "system at at one preselected location" appears to be incorrect with the applicant's intended phrase being "system at one preselected location." Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-9, 13, 14, 17-22, 24 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by TAPP (US 5,816,687).
3. Regarding Claims 1, 9, 13 and 14, TAPP provides a housing (10) for holding at least one light source (12), the housing having a front wall (18) with an exterior side (exterior side of 18) and an opposed interior side (interior side of 18); a first wall extending from the interior side/front wall (22); and at least one support element (36, 38 and 40) for locating/supporting said at least one light source in the housing adjacent to

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the interior side of the front wall (Fig. 2), the support element extending from the interior side of the front wall (Fig. 2).

4. Regarding Claims 3, 17 and 24, TAPP provides a support element (36, 38 and 40) comprising a tab (40) movable between an open position, in which said at least one light source is receivable on the tab (Fig. 2 illustrates the support in an open position for receiving a light source), and a closed position, in which the tab holds said at least one light source in the housing (Fig. 4 illustrates the support enclosed within a housing).

5. Regarding Claims 4, 18 and 25, TAPP provides a second wall extending from the interior side of the front wall (20), the second wall being spaced apart from the first wall (22) a predetermined distance sufficient to permit said at least one light source to be received therebetween (Fig. 2).

6. Regarding Claim 5 and 19, TAPP provides a substantially planar first wall (22, Fig. 2).

7. Regarding Claim 6 and 20, TAPP provides a substantially planar second wall extending from the interior side of the front wall and positioned substantially parallel to the first wall (20, Fig. 2), the second wall being spaced apart from the first wall a predetermined distance sufficient to permit said at least one light source to be received therebetween (Fig. 2).

8. Regarding Claim 7, TAPP provides a housing (10) for holding at least one light source (12), the housing having: a front wall (18) with an interior side (interior side of 18) and an opposed exterior side (exterior side of 18); a first wall extending from the interior side of the front wall (22); and a second wall extending from the interior side of the front

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wall and spaced apart from the first wall a predetermined distance sufficient to permit said at least one light source to be held in the housing between the first wall and the second wall (20, Fig. 2).

9. Regarding Claim 8, TAPP provides at least one support element (36, 38 and 40) for locating said at least one light source (12) in the housing (Fig. 4), said at least one support element (36, 38 and 40) being movable between an open position (Fig. 2), in which said at least one light source is receivable between the support element and the first wall, and a closed position, in which the light source is secured in the housing by said at least one support element (Fig. 4).

10. Regarding Claim 21, TAPP provides a decorative light system (10) adapted for attachment to a structure (Column 1, Lines 8-9), the system having a front wall (18) with an exterior side (exterior side of 18) and an opposed interior side (interior side of 18); a first wall extending from the interior side (22); and at least one support element (36, 38 and 40) for locating said the light source in the housing, the support element extending from the interior side of the front wall (Fig. 2), a plurality of fasteners for securing the first wall to the structure, the first wall being adapted to cooperate with said fasteners such that the first wall is thereby securable to the structure; the housing being positionable on the structure (Column 3, Line 59-Column 4, Line 3); and at least one light source (12) receivable on said at least one support element (36, 38 and 40), for providing light which is transmittable out of the housing (Fig. 1).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over TAPP (US 5,816,687) as applied to claim 21 above, and further in view of HASTINGS (US 6,019,488). While TAPP discloses the claimed invention as cited above, but does not disclose a light source that is a rope light. However, HASTINGS teaches a tubular light (18, Fig. 2) with a correspondingly shaped support clamp (16) for the purpose of facilitating alignment and engagement to the support clamp (Column 1, Lines 20-23 and Column 2, Lines 55-64). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate a tubular light and corresponding support clamp into TAPP in order to provide a lighting system that facilitates the alignment and installation of a light source.

Claims 2, 10, 16, 23 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over TAPP (US 5,816,687) as applied to Claims 1, 9, 13, 21 and 25 above, and further in view of SHAFFER (US 5,813,751). TAPP discloses the claimed invention as cited above, but does not disclose apertures or openings. SHAFFER teaches a plurality of apertures (52, Fig. 3) for the purpose of viewing the lights (61) that would otherwise be concealed (Column 3, Lines 45-50). It would have been obvious to

one of ordinary skill in the art at the time of invention to incorporate the apertures (52) taught by SHAFFER into TAPP for the purpose of viewing light concealed behind the TAPP device.

13. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over TAPP (US 5,816,687) as applied to Claim 9 above, and further in view of MAHONEY (US 4,566,141). TAPP discloses the claimed invention as cited above, but does not disclose a wall cut into segments. MAHONEY teaches a wall (10) having a channel (12) whereby portions of the channel can be removed at planned intervals so that said wall is bendable where said portions have been removed (Column 1, Line 68 through Column 2, Line 2). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teachings of MAHONEY into TAPP to permit bending of the housing.

14. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over TAPP (US 5,816,687) as applied to Claim 13 above, and further in view of PRAZOFF (US 6,379,190). TAPP discloses the claimed invention, but does not disclose an external source of electric current being supplied to said light source at a first end of the housing, having a plug being adapted to cooperate with another electric plug on an adjacent housing and light assembly to permit electric current to pass through the plug to the adjacent housing and light assembly. However, PRAZOFF teaches a ropelight connector adaptor (30) for securely connecting two ropelights (10 and 20) for the

purpose of facilitating attachment of a plurality of ropelights, ensuring electric connection therebetween and to prevent a user from being shocked (Column 1, Lines 48-55). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the connector system taught by PRAZOFF into the TAPP mounting system in order to facilitate electric connection between a plurality of tubular lamp members and permit electric current to pass from one housing to an adjacent housing.

15. Claims 15 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over TAPP (US 5,816,687), which provides a plurality of housing portions (10) adapted for attachment to the structure, each said housing portion including: a front wall (18) with an exterior side (exterior side of 18, Fig. 2) and an opposed interior side (interior side of 18); a first wall extending from the interior side (22); at least one support element (36, 38 and 40) for locating the light source (12) in the housing, the support element extending from the interior side of the front wall (Fig. 2); securing the first wall at said at least one preselected location on the structure (Column 3, Line 59-Column 4, Line 3); inserting at least one light source in each said housing portion (Figs. 1-4); (d) securing said at least one light source with said at least one support element in each said housing portion (Figs. 1-4). TAPP does not explicitly provide electricity to the light source. However, it is known that electricity is required to allow a light to operate as intended. It would have been obvious to one of ordinary skill in the art at the time of



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invention to provide electricity to the light source in TAPP for the light source (12) to operate.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

16. ROBERTS (US 4,600,975) provides a housing structure for light tubing.

17. WALDMANN (US 6,447,141) provides a mounting bracket having a moveable support element for securely holding a tubular lamp member.

18. HARBIN (US 6,572,239) provides a storage and display apparatus for decorative lights.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam C. Rehm whose telephone number is 571.272.8589. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571.272.2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ACR  
June 16, 2005



ALAN CARIASO  
PRIMARY EXAMINER